



## U.S. DEPARTMENT of STATE

### Afghanistan

#### Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 25, 2004

Afghanistan made significant progress in establishing its institutions of democracy and governance; however, during the second year of its transition, reconstruction and recovery from the 23 years of civil war was the central focus of activity, and numerous problems remained. The Transitional Islamic State of Afghanistan (TISA) continued to govern the country and began the task of drafting a new constitution, overseeing the formation of a national army, and of preparing for elections in 2004. In June 2002, the Emergency Loya Jirga (ELJ), a gathering of Afghan representatives from throughout the country called for by the 2001 Bonn Agreement, elected Hamid Karzai as President of the TISA. President Karzai subsequently formed a 30-member cabinet including a broad ethnic representation and 2 female members. Some major provincial centers were under the control of regional commanders. With some significant exceptions, these commanders acknowledged the Karzai administration as the legitimate central authority. Karzai appointed governors to all 32 provinces. The legal framework and judicial system of the country were set forth in the 2001 Bonn Agreement. Existing laws, not inconsistent with the Bonn Agreement, the country's international obligations, or applicable provisions of the Constitution, remained in effect. Judicial power rested with the Supreme Court. Under the Karzai Government, the rule of law applied throughout the country; however, in practice recognition of the rule of law, particularly outside of Kabul, was limited. The judiciary deteriorated during the Soviet occupation and civil war and operated on an ad hoc basis during the year.

The registration of district representatives to elect delegates for the Constitutional Loya Jirga (CLJ) was completed in mid-November. Countrywide elections for the candidates to the CLJ took place in November and December. Despite reports of intimidation of representatives, most independent observers deemed the registration and election free and fair. In November, the TISA released a draft Constitution. In December, 502 delegates to a CLJ met to discuss the new charter. Presidential elections were scheduled for June 2004. The Bonn Agreement stipulated that national elections must take place by June 2004, which the country is preparing for.

Among the TISA's security forces, the police officially had primary responsibility for internal order; however, local and regional commanders maintained considerable power, as the TISA was not in a position to exercise control nationwide. Outside the capital, there was some fighting between local militias maintained by rival commanders who were also often government officials, and insecurity and the absence of robust legal institutions threatened stability and development. On August 11, NATO assumed command of the International Security Assistance Force (ISAF) with responsibility for the security of Kabul. On October 13, the U.N. Security Council extended ISAF's mandate for another year and authorized its expansion to other parts of the country. By year's end, there were more than 5,300 active members of the Afghan National Army (ANA) working with coalition partners. A resurgence of Taliban and al-Qa'ida activity, particularly in the South and Southeast, added to security concerns. U.N. agencies and Non Governmental Organization (NGOs) temporarily cancelled or curtailed their activities in these areas at various times during the year.

The country remained engaged in agriculture and animal husbandry and remained extremely poor; per capita earnings for the population of 26 million was below subsistence level. The World Bank unofficially estimated the growth rate at 30 percent for the year. Illegal opium poppy was the mainstay of the economy and largely financed the military operations of various provincial authorities. According to the U.N., the poppy harvest grew by an estimated additional 6 percent during the year. There was little manufacturing, and there were few exports; a projected 36 percent of the Government's operating budget came from domestic revenues; the rest, as well as the development budget, was donor-financed. In December, the country celebrated the reconstruction of Kabul-Kandahar road. Reconstruction of the devastated infrastructure proceeded in differing degrees throughout the country. Twenty-three years of fighting and decades of corruption and mismanagement resulted in a devastated infrastructure.

The TISA and its agents' respect for human rights improved during the year; however, many serious problems remained, especially where its authority was challenged outside Kabul. Members of local security forces committed arbitrary, unlawful, and some extrajudicial killings, and officials used torture in jails and prisons. Prolonged pretrial detention, due to a severe lack of resources in the judicial system, remained a problem. Prison conditions remained poor. Overcrowding and limited food and medical supplies contributed to deteriorating health and even death among prisoners. The Karzai Government generally provided for the freedom of speech, the press, assembly, association, religion, and movement; however, problems remained. Approximately 60,000 Pashtun internally displaced persons (IDPs) had yet to return to their former homes in northern provinces after local commanders targeted Pashtuns after the fall of the Taliban for murder, looting, rape, and destruction of property. Security concerns, as well as the drought, discouraged some refugees from returning to their country. Violence and societal discrimination against women and minorities were problems. Women and girls were subjected to rape and kidnapping, particularly in areas outside Kabul where security problems persisted. There was widespread disregard for, and abuse of, internationally recognized worker rights. Child labor continued to be a problem. Trafficking of persons was a problem.

Terrorist attacks and severe violence continued. The remnants of the Taliban and rogue warlords threatened, robbed, attacked, and occasionally killed local villagers, political opponents, and prisoners. During the year, some efforts were made to bring to justice those persons responsible for serious abuses.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

The arrival of the Operation Enduring Freedom (OEF) forces and the collapse of the Taliban in 2001 helped begin an end the decades-long pattern of serious human rights abuses, including extrajudicial killings. However, inter-factional fighting between regional commanders, persistent Taliban and al-Qa'ida activity, and criminal activity contributed to continued reports of unlawful deprivations of life. Militants targeted foreigners and local employees of NGOs for unlawful killings. Civilians also were killed during fighting between OEF forces and rebel forces.

During the year, the TISA investigated the November 2002 unlawful police killing of two demonstrators in Kabul and an unknown number of persons have been arrested. The case has been referred to the Supreme Court; however, there had been no trial date set by year's end. There were reports of deaths in custody.

Intimidation, attacks, and killings took place during the 2002 Loya Jirga process. Further, Human Rights Watch (HRW) stated that several powerful military and party leaders threatened less powerful delegates, and agents of the intelligence service, the National Directorate of Security (also known as Amniat-e-Melli), spied on and delivered threats to delegates.

Human rights sources indicated that political intimidation and violence in the CLJ registration process was a problem. However, other reports, including those prepared by the U.N., suggest that intimidation was localized and did not significantly impact the outcome of elections. In October, HRW reported allegations of violence and intimidation against regional representatives and delegates continued. HRW stated that, in Badakshan and Ghor, candidates withdrew their support, "after a senior commander, allied with former President Burhanuddin Rabbani, allegedly said 'Avoid nominating yourself, otherwise we will kill you and throw your corpse into the Kokcha river.'" At year's end, no investigation or arrests had been made in connection with these threats.

No action was taken against those reportedly responsible for post-battle executions of prisoners in 2001.

In 1998, the U.N. found several mass graves connected with the massacre of Taliban fighters near Mazar-i Sharif in 1997, which contained evidence consistent with mass executions. At year's end, mass killings from 1997 and 1998 had not been fully investigated.

During the year, there were instances of factional forces killing civilians during the fight against Taliban supporters. In addition to the security forces and the coalition forces, there are many groups throughout the country that are armed, including militias and civilians. During the year, battles between rival tribes and local commanders resulted in numerous civilian casualties. During the early part of the year, unknown numbers of persons reportedly were killed in fighting between forces loyal to General Dostum and General Atta in the northern part of the country. In October, a ceasefire between the forces loyal to General Dostum and General Atta was reached which included the cantonment of heavy weapons.

The ICRC estimated 7,097 Afghans had been killed or wounded by landmines between 1998 and this year. According to NGOs, approximately 44 persons were killed by landmines in the northern province during the year (see Section 1.g.).

Rebel forces, including Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin, killed a large number of civilians during their attacks. There were reports that Taliban fighters and allied militias summarily executed persons and NGO workers. Attacks on international NGOs and their local counterparts increased significantly (see Sections 1.g. and 4).

There were numerous bombings during the year. For example, on July 1, 17 persons were injured when a bomb exploded at a mosque in Kandahar. On August 13, 15 persons were killed when a bomb exploded in a bus around Kandahar. No one claimed responsibility for any of these acts. In addition, there have been a number of attacks on international organizations, international aid workers, and foreign interests and nationals (see Section 4).

In many areas, the lack of an effective police force, poor infrastructure and communications, instability, and insecurity made it difficult to investigate unlawful killings, bombings, or civilian deaths, and there were no reliable estimates of the numbers involved.

There was no further investigation or action taken in the following cases in 2002: The April bombing of Vice President and Defense Minister Mohamed Fahim's car, in which several persons were killed; the September car bomb in which 35 persons were killed in Kabul; and the February and July killings of Vice President and Public Works Minister Haji Abdul Qadir and Civil Aviation Minister Abdul Rahman.

No action was taken against those reportedly responsible for post-battle executions of prisoners in 2001.

During the year, TISA and coalition partners made efforts to bring to justice those persons responsible for the most serious abuses committed during the 23-year civil war. The Afghan Independent Human Rights Commission (AIHRC) established a Transitional Justice Unit to address the most recent and serious cases. The investigations continued to proceed slowly during the year due to lack of resources and insecurity in the country.

#### b. Disappearance

Abductions and disappearances occurred during the year. In July, the Government investigated a report that three policemen were taken from Herat's central police district and held without charge for several months. The AIHRC alleged that the three were beaten while in custody. In this instance, the Herat provincial security authorities were implicated in the disappearance. The investigation was ongoing at year's end. In December, there were reports that local Shindand district commander Amanullah Khan abducted a commander of Herat's 21st Division, based in Shindand. The investigation was ongoing at year's end. In August, the Government investigated a report that three policemen had been arrested, tortured, and abducted from jail. The Herat Chief of Criminal Justice said that the prisoners were suspected smugglers. There was no information on the whereabouts of the three policemen by year's end. No suspects were identified by year's end for the alleged disappearance of several potential witnesses to the deaths of Taliban prisoners in November 2001.

There continued to be reports of abduction by Taliban, allied militias, and unknown gunmen. For example, in November, gunmen abducted a driver for a mine-clearance agency in Ghazni. His whereabouts remained unknown at year's end.

The whereabouts of most of the women and girls that were kidnapped or abducted by the Taliban between 1998 and 2001 remained unknown at year's end. In addition, the whereabouts of a number of persons arrested for political reasons during the rule of the Taliban remained unknown at year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices, and torture did not appear to be systematic throughout the country, but there were reports of abuses. Some provincial authorities were believed to have used torture against opponents and Prisoner of War (POWs), although specific information generally was lacking.

In July, HRW released a report titled "Killing You is a Very Easy Thing for Us" which described numerous cases of local militia arresting, beating, and holding people for ransom, especially in the southeastern part of the country.

The report cited a case in early April in which a resident of Jalalabad reported that local police beat his cousin while in custody. The resident said his cousin was "brought to Darunta Dam [a hydro-electric dam on the western side of Jalalabad], and he told us that they held him over the side of the dam by his feet and threatened him to make him sign a paper admitting that he had committed a crime." In August, a Ministry of Interior investigation into disappearances in Herat found signs of recent torture with electric cables on the feet, legs, and ears of some prisoners.

In 2002, HRW alleged that some local police authorities in Herat routinely employed electric shock on detainees. HRW also reported that some Herat security officials beat prisoners who were hung upside down. In May 2002, Herat Governor Ismail Khan's security forces arrested Mohammad Rafiq Shahir, and police reportedly beat Shahir so severely that cuts and bruises were still visible during the Emergency Loya Jirga in June 2002 (see Section 3).

Prison conditions remained poor; there reportedly were many other secret or informal detention centers (see Section 1.d.). Prisoners lived in overcrowded, unsanitary conditions in collective cells and were not sheltered from severe winter conditions. Prisoners reportedly were beaten, tortured, or starved. According to TISA officials, there were 612 prisoners at Kabul City prison at year's end. In March, the justice ministry assumed control of prison management from the interior ministry. Most NGOs noted this change would facilitate an improvement in prison conditions since the Taliban's fall from power. In May, AI reported that the Mazar-i-Sharif was holding up to 20 prisoners in rooms designed for six. In 2002 the Physicians for Human Rights (PHR) reported on the "deplorable conditions" at Shiberghan Prison. The PHR found severe overcrowding, non-existent sanitation, exposure to winter cold, inadequate food, and no medical supplies for the 3,500 prisoners. Dysentery, pneumonia, and yellow jaundice were epidemic. According to the PHR report, the cells in Shiberghan were constructed to house 10 to 15 prisoners, but they held 80 to 110 men during the year.

With the assistance of NGOs and the U.N. during the year, the TISA was organizing programs for the renovation and humanization of prisons. For example, the AIHRC established a "complaints" department within the Ministry of Justice and eight interagency commissions visited prisons in April to assess prison conditions. Further, in May, the Minister of Justice called a donors meeting to discuss moving prisoners from the Welayat detention center to Pul-i-Clarki prison, where two wings of the prison were under renovation; however, no prisoners were moved at year's end.

A number of regional leaders, particularly Ismail Khan in Herat and General Dostum in Shiberghan, maintained secret or unofficial prisons that most likely held political detainees. Herat prison held 600 to 700 prisoners. Shiberghan prison held approximately 3,500 inmates, including Taliban fighters and a number of Pakistanis (see Section 1.d.).

The TISA permitted the International Committee of the Red Cross (ICRC) to visit all prisons which it controlled and the ICRC conducted such visits during the year; however, fighting and poor security for foreign personnel limited the ability of the ICRC to monitor prison conditions.

#### d. Arbitrary Arrest, Detention, or Exile

The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices. Legal and law enforcement institutions existed but operated unevenly throughout the country. During the year, justice was administered on an ad hoc basis according to a mixture of codified law from earlier periods, Shari'a law, and local custom. Arbitrary arrest and detention are serious problems. Human Rights groups reported that local police authorities extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Procedures for taking persons into custody and bringing them to justice followed no established code. Practices varied depending on the area and local authorities. Some areas had a more formal judicial structure than others. Limits on lengths of pretrial detention were not respected.

Private prisons were a problem.

In Kanadahar, Chief of Police Akram acknowledged "private prisons" as a significant challenge (see Section 1.c.). AI reported that the Afghan intelligence agency, National Security Directorate, ran at least two prisons and there were unconfirmed reports of private detention facilities around Kabul and in northern regions of the country. Representatives of international agencies were unable to gain access to these prisons during the year. In July, HRW reported numerous cases of soldiers and police arresting, beating, and holding persons for ransom, and the existence of "private prisons" in Kabul city, and in Laghman, Paktia, and Nangarhar Provinces. According to HRW, "residents of Nangarhar, U.N. staff, and even government officials described soldiers and police regularly arresting people, often on the pretext that they were suspected of being members of the Taliban, beating them, and

ransoming them to their families for money." U.N. humanitarian officials reported that they had documented cases of arbitrary or illegal detention of villagers throughout Nangarhar, as well as in neighboring Kunar and Laghman provinces. In addition, HRW reported it had received information about arbitrary arrests and detentions by troops under Governor, currently Minister of Public Works, Gul Agha Shirzai in Kandahar, Mohammad Atta and Rashid Dostum in northern Afghanistan, and Ismail Khan in Herat.

The generally poor security conditions severely impeded the judicial process. The country's law limited pretrial detention to 9 months; however, there were several documented cases where suspects were held over a year awaiting trial. There were credible reports that some detainees were tortured to elicit confessions while awaiting trial.

There were several reports of troops loyal to Commander Ismatullah kidnapping and raping women in Laghman Province (see Section 5).

In the months proceeding the 2002 Emergency Loya Jirga, Ismail Khan's officials reportedly arrested Loya Jirga candidates who were not his supporters. There were no similar reports during elections for the CLJ during the year.

The TISA made progress in the disarming of local militias. In November, in concert with coalition partners, 1,000 combatants were disarmed through a U.N. DDR program in Kunduz. In December, nearly 600 combatants turned in their weapons in the Gardez.

The TISA also made progress in training Afghan National Army (ANA) recruits. At year's end, reports indicated that the ANA had approximately 5,300 soldiers working with coalition forces.

There was no information available regarding forced exile.

#### e. Denial of Fair Public Trial

The Bonn Agreement—specifically the Judicial Commission—affords for the establishment of a domestic justice system in accordance with Islamic principles, international standards, the rule of law, and local legal traditions. However, with no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. In 2002, the Government inaugurated the Judicial Commission, and President Karzai appointed two women and various ethnic minorities to it. The judiciary operated with minimal training.

The administration and implementation of justice varied from area to area and depended on the inclinations of local authorities. In the cities, courts decided criminal and civil cases. There reportedly was a lower court and a higher court in every province. The Supreme Court was located in Kabul. During the year, the Supreme Court was expanded from 9 to 137 judges. The Supreme Court also established a National Security Court that will try terrorist and other cases, although by year's end, it was unclear how the new National Security Courts will function in practice. In cases involving murder and rape, convicted prisoners generally were sentenced to execution, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Decisions of the courts reportedly were final. The courts reportedly heard cases in sessions that lasted only a few minutes. According to AI, some judges in these courts were untrained in law and, at times, based their judgments on a combination of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas. In rural areas, local elders and shuras were the primary means of settling criminal matters and civil disputes. Pressure from armed groups, public officials, and the family of the accused, as well as widespread reports of corruption and bribery, threatened judicial impartiality.

By year's end, TISA had made progress in creating a legal basis for the justice sector, but it still faced serious challenges in recruiting and training enough qualified judges, prosecutors, and defense lawyers. However, the TISA continued its education program to upgrade the qualifications and training of judicial personnel. Numerous judicial personnel received overseas training to qualify them for capacity building in the new judicial system.

In general, defendants did have the right to an attorney and they were permitted attorneys in some instances.

In the rural areas, administration of justice normally is done by tribal elders. They allegedly conducted hearings according to Islamic law and tribal custom. In such proceedings, allegedly the accused have no right to legal representation, bail, or appeal. In even more remote areas, tribal councils levied harsher, unsanctioned punishments, including flogging or death by shooting or stoning. For example, in Jowzjan province elders

sentenced a woman to the death penalty. Subsequently, the AIHRC intervened and the woman was not put to death. AI reported that tribal elders resolved murder cases by ordering the defendant to provide young girls in marriage to the victims' family, in exchange for the murder.

A number of regional leaders were suspected of holding political prisoners, but there were no reliable estimates of the numbers involved.

There were no developments in the September 2002 case of Abdullah Shah who was convicted of mass murder and sentenced to death. Shah did not have legal representation during the appeal.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The 1964 Constitution, in effect under the Bonn Agreement, states that, "No one, including the State can enter or search a residence without the permission of the resident or the orders of a competent court." However, armed groups forcibly invaded and looted the homes and businesses of civilians. These gunmen reportedly acted with impunity, due to the absence of a responsive police force or legal protection for victims. In addition, it was unclear what authority controlled the actions of the local commanders, who patrolled the streets of cities and towns outside the areas controlled by the ISAF. In the north, local commanders, particularly Jumbesh commander Lal, targeted Pashtuns, abused female members of families, confiscated property, and destroyed homes. In Takhar Province, local commanders prevented the return of Pashtun families to their villages, while north of Kunduz Province, Pashtuns were prevented from cultivating their lands.

There were reports of forcible conscription in the north by forces loyal to Jumbesh leader General Dostum.

Government forces demolished homes and forcibly removed populations from and around the homes of high government officials and other government facilities, without any judicial review. In September, police officers, led by Kabul Chief of Police Salangi, destroyed the homes of more than 30 families in Kabul. AIHRC reported that since June, it had investigated and registered approximately 300 cases of police arbitrarily destroying homes.

Kabul police authorities placed women under detention in prison, at the request of family members, for defying the family's wishes on the choice of a spouse. AI reported that 60 women were in Herat jail for defying their family's wishes at year's end.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts and External Conflicts

TISA security forces reportedly used excessive force during their fight against Taliban and al-Qa'ida remnants, including looting, beating, and torture of civilians. Violence and instability hampered relief and reconstruction efforts in various parts of the country and led to numerous human rights abuses. Primary limitations for the delivery of assistance remained logistical and centered on the difficulties in moving relief goods overland to geographically remote areas. Continued lawlessness and sporadic fighting in northern areas also impeded assistance efforts.

The Government and government-allied coalition forces carried out raids and attacks on alleged militant settlements particularly in southeastern regions. These raids and bombings reportedly resulted in the deaths of civilians. For example, on December 10, an air and ground assault by coalition forces in the eastern part of the country reportedly killed six children and two adults. Military spokesmen said Islamic guerrillas had stored weapons in the village. Coalition forces issued a statement of regret for the incident, which noted that noncombatants were in a compound known to be used by terrorists.

Intimidation or violence directed at NGO workers, including threats, accusations, kidnapping, attacks, murder, rape of family members of local NGO staff, and armed robbery increased significantly during the year. For example, in September, two Afghan aid workers were shot and killed near Kandahar while working for Voluntary Association for Rehabilitation of Afghanistan, a local NGO which partners with UNHCR. Security forces arrested two suspects at year's end. On November 16, gunmen shot and killed Bettina Goisard, a 29-year-old French UNHCR worker in Ghazni Province. Security forces arrested the assailants following the attack. At year's end, several NGOs, including UNHCR, temporarily suspended assistance in some areas of the country. It was believed that the attackers acted with the assistance of Taliban remnants and al-Qa'ida terrorists (see Section 1.a.). There was no further information on the June 2002 rape of the NGO humanitarian assistance worker in Mazar-i Sharif at year's end.

Some provincial governors extorted a "tax" from local NGOs. NGOs sometimes were forced to pay twice if district

leaders were from different provincial authorities. Despite issuing a number of resolutions agreeing to cooperate and improve security conditions, senior factional leadership managed to take action only in a minority of cases and often with little commitment.

Fighting in the northern part of the country led to continued displacement of Pashtuns and others from Faryab, Jawzjan, and Badghis Provinces. In April, continued fighting between nomadic Kuchis and locals in Badghis over pasture rights resulted in the death of 60 persons. In Takhar Province, local commanders prevented the return of Pashtun families to their villages, while north of Kunduz Province, Pashtuns were prevented from cultivating their lands. In Paktia Province, 20 persons reportedly were killed and 40 injured over a land dispute between rival tribes in September. Sporadic fighting and lawlessness remained a hindrance to assistance efforts in the north throughout the year.

During the year, continued internal conflict resulted in instances of the use of excessive force that caused the deaths of civilians, property damage, and the displacement of residents. In October, military activity between the private militias of General Abdul Rashid Dostum and Commander Atta Mohammad intensified, and all sides of the fighting were responsible for violations of humanitarian law. The Government and coalition forces brokered a ceasefire. During the year, Ismail Khan and Amanullah Khan continued to fight, resulting in civilian casualties. In August, President Karzai decreed that officials could no longer hold both military and civil posts and removed Ismail Khan from his role as military commander of western Afghanistan. He remained the governor of Herat Province at year's end.

Independent investigations of alleged killings were hindered by the unwillingness of local authorities to allow investigators to visit the areas in question. The Council of the North (General Dostum, Mohammad Atta, and Mohammad Saidi) issued a statement in 2002 declaring that it was ready to cooperate with an investigation of the mass gravesite at Dasht-i Leili by professional and technical specialists drawn from the U.N. and coalition countries. However, local authorities suggested that there was no guarantee of security for investigators. By year's end, no investigation had taken place.

In 2002, Northern Alliance forces reportedly killed at least 120 prisoners at the Qala-i Jangi Fort, allegedly during the suppression of a riot. There were no developments in the 2002 investigation of bodies of Taliban prisoners in Dasht-i Leili. U.N. experts found evidence of summary executions and death by suffocation.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers (see Section 5).

The U.N. estimated that there were 5 to 7 million landmines and more than 750,000 pieces of unexploded ordnance throughout the country, planted mainly during the Soviet occupation. However, some NGOs estimated that there may be fewer than 1 million mines. The most heavily mined areas were the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The Red Cross estimated that 200,000 persons were killed or maimed by landmines over the last two decades of warfare. In 2002, the Red Cross recorded 1,286 landmine deaths and numerous other deaths were believed to have gone unreported. Injuries continued to occur during the year from landmines previously laid by Northern Alliance forces, Taliban fighters, and fighters during the Soviet occupation.

With funding from international donors, the U.N. organized and trained mine detection and clearance teams, which operated throughout the country. Nearly all areas that were cleared were in productive use, and more than 1.5 million refugees and IDPs returned to areas cleared of mines and unexploded ordnance. Nonetheless, the mines and unexploded ordnance were expected to pose a threat for many years. U.N. agencies and NGOs instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. Continued warfare, as well as prolonged and severe drought, also resulted in massive, forced displacement of civilians.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The 1964 Constitution, in effect under the Bonn Agreement, somewhat provided for freedom of speech and of the press; however, some senior officials attempted to intimidate journalists and influence their reporting. Government intimidation and surveillance of journalists continued to inhibit open, public discussion of political issues. There were reports of self-censorship by journalists. All information must follow Shari'a law, and a publication could be suspended when the article on "forbidden content" was violated. However, the independent media were active and

differing political views publicly were reflected to some extent. The State owned at least 35 publications and almost all of the electronic news media. All other newspapers were published only sporadically and for the most part were affiliated with different provincial authorities. Some government officials through political party ties maintained their own communications facilities.

During the year, the Government maintained departments that were pre-disposed to crack down on journalists. Members of the intelligence service, National Directorate of Security, reportedly stalked out journalists' homes, followed them on the street, visited their offices, and delivered threats to stop publishing critical articles.

While some independent journalists and writers published magazines and newsletters, according to Reporters Without Borders, circulation largely was confined to Kabul and many were self-censored. In practice, many persons listened to the dozen international stations that broadcast in Dari or Pashto. The BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan were available throughout the country. In the countryside, local radio and television stations were under the control of the local authorities.

Journalists were subjected to harassment, intimidation, and violence during the year. In June, police interrogated and arrested Saveed Mirhassan Mahdawi and Ali Payam Sistany, editor-in-chief and deputy editor of the weekly newspaper Aftaab, after the newspaper published an article that criticized senior leaders of the Northern Alliance, called for a secular government, and questioned the morals of Islamic leaders. Authorities banned the weekly Aftaab and copies of the publication were withdrawn from newsstands in Kabul after their arrest. On June 25, the two journalists were released; however, the charges of blasphemy were pending at year's end.

According to credible sources, reporters were the target of threats and intimidation from government-related militias during the year. For example, commanders in Jalalabad and Gardez threatened journalists with death for publishing reports about local security problems. In April, Ismail Khan's security forces in Herat arrested and beat a radio journalist for asking questions about women's rights during the opening ceremony for the new office of the AIHRC.

A number of journalists were killed during the intensified fighting late in 2001. In April, five suspects were arrested for suspected involvement in the killing of four journalists in November 2001.

There were a few reports that government forces prohibited music, movies, and television on religious grounds. In January, the Supreme Court banned cable television, calling its content offensive to the moral values of Islamic society. Following an April inquiry by the Afghan Ministry of Information and Culture, the Government eased the ban on most news and sports cable broadcasters—such as BBC, Al-Jazeera, and CNN—but prohibited cable operators from airing Western movie and music channels. At year's end, the government continued to debate which foreign and domestic cable operators will receive broadcast licenses. The Government did not restrict the ownership of satellite dishes by private citizens. However, authorities in Paghman and Shakar Dara arrested and beat musicians and persons dancing. Further, the Government banned the appearance of women singers on television or radio (see Section 5). However, televisions, radios, and other electronic goods were sold freely, and music was played widely.

There were approximately 150 commercial and governmental Internet cafes in the country, 15 of which were in government offices. Poor condition of telephone lines often made Internet connectivity problematic.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The 1964 Constitution, in effect under the Bonn Agreement, states that citizens have the right to assemble without prior permission and to form political parties; however, tenuous security and likely opposition from local authorities seriously inhibited freedom of assembly and association outside of Kabul during most of the year. On October 11, the TISA passed a Political Parties Law that obliges parties to register with the Ministry of Justice and requires political parties to pursue objectives that are inline with the principles of Islam. In Kabul, a spectrum of organizations and political parties operated.

Police used harassment and excessive force against demonstrators during the year. For example, in May, Kabul police arrested and beat several students for protesting against nepotism in Kabul University's grading system.

No action was taken against security forces who forcibly dispersed demonstrations or meetings in 2002 or 2001.

The Government allows for freedom of association; however, there were reports of harassment by local officials during the year. For example, in Herat, Ismail Khan's officials harassed and interfered with the Professionals' Shura, the Herat Literary Society, and the Women's Shura.

At year's end, NGOs and international organizations continued to report that local commanders were charging them for the relief supplies they were bringing into the country (see Sections 1.g. and 4).

#### c. Freedom of Religion

The 1964 Constitution, in effect under the Bonn Agreement, states that Islam is the "sacred religion of Afghanistan" and states that religious rites of the state shall be performed according to the Hanafi doctrine. The Constitution also states that "non-Muslim citizens shall be free to perform their rituals within the limits determined by laws for public decency and public peace." The Government continued a policy of religious tolerance during the year; however, custom and law required affiliation with some religion.

Reliable sources estimated that 85 percent of the population were Sunni Muslim, and most of the remaining 15 percent were Shi'a. Shi'a, including the predominately Hazara ethnic group, were among the most economically disadvantaged persons in the country. Relations between the different branches of Islam in the country were difficult. Historically, the minority Shi'a faced discrimination from the majority Sunni population. The Shi'a minority advocated a national government that would give them equal rights as citizens. There were small numbers of Hindus and Sikhs. There also were small numbers of Ismailis living in the central and northern parts of the country. Ismailis were Shi'a but consider the Aga Khan their spiritual leader.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents may practice their faith but may not proselytize. Blasphemy and apostasy were punishable by death. In the spring, a journalist in Mazar-i Sharif was accused in a local newspaper affiliated with the Jamiat-i-Islami Party of insulting Islam in an article she had written about the formation of the country's next constitution. The journalist, Mariya Sazawar, was accused of writing that Islamic rules were oppressive to women. The local religious scholars recommended that she be sentenced to death. In March, a local court acquitted her; allegations of blasphemy were not confirmed.

The parts of the country's educational system that survived more than 20 years of war placed considerable emphasis on religion. However, since the fall of the Taliban, public school curriculums have included religious subjects, but detailed religious study was conducted under the guidance of religious leaders. There is no restriction on parental religious teaching.

Before the December 2001 collapse of the Taliban, repression by the Taliban of the Hazara ethnic group, which is predominantly Shi'a Muslim, was particularly severe. Although the conflict between the Hazaras and the Taliban was political and military as well as religious, and it was not possible to state with certainty that the Taliban engaged in its campaign against the Hazaras solely because of their religious beliefs, the religious affiliation of the Hazaras apparently was a significant factor leading to their repression.

Militants sometimes harassed foreign missionaries and other religious oriented organizations. For example, after an attack in late September that killed two employees of the Voluntary Association for Rehabilitation of Afghanistan, a Taliban spokesman accused the organization of preaching Christianity (see Section 1.g.).

For a more detailed discussion see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27943pf.htm).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The 1964 Constitution, in effect under the Bonn Agreement, provides for these rights for men; however, in practice, their ability to travel within the country was hampered by sporadic fighting, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service. Despite these obstacles, many men continued to travel relatively freely, with buses using routes in most parts of the country. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed. In some areas, women were forbidden to leave the home except in the company of a male relative.

Commercial trade was impeded as local commanders and criminals continued to demand road tolls and at times closed roads. Taxi, truck, and bus drivers complained that militia and police personnel operated illegal checkpoints and extorted them for money and goods. In September, President Karzai called for an end to all checkpoints;

however, warlords largely ignored his order.

There were estimates that up to 220,000 persons were displaced internally. However, over 30,000 IDPs returned to their homes during the year. During the year, the Government worked closely with the UNHCR and with NGO's to provide for the repatriation of refugees from all parts of the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves. UNHCR estimates that more than 2 million Afghan refugees remained in Pakistan, Iran, and other neighboring countries at year's end. In January, representatives of the Pakistan Government, the TISA, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. Women and children constituted 75 percent of the refugee population. The majority of refugee returnees have settled in urban areas, which placed additional strain on the cities' already overburdened infrastructures. There were further population movements from rural to urban areas due to drought, insecurity, and inadequate assistance in rural areas. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning.

According to credible sources, since the collapse of the Taliban regime in the northern part of the country, ethnic Pashtuns throughout the country have faced widespread abuses including killings, sexual violence, beatings, and extortion. Pashtuns reportedly were targeted because their ethnic group was closely associated with the Taliban regime. According to U.N. estimates, approximately 60,000 Pashtuns remain displaced because of the violence. In 2002, the UNHCR issued public reports that contained allegations by ethnic Pashtuns entering Pakistan that they were fleeing human rights abuses in the northern section of the country. There were no developments during the year in the commission assigned to look into human rights problems faced by the Pashtuns in the north.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There was a peaceful transfer of power from the Afghanistan Interim Authority to the TISA during the 2002 Emergency Loya Jirga. The Government allowed citizens the right to change their government through the 2002 Emergency Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. President Karzai selected a cabinet of 5 vice presidents and 30 ministers. The Loya Jirga deferred a decision on the creation of a national legislature. A Constitutional Loya Jirga was held in December, and a new Constitution was approved in January 2004. Presidential elections were scheduled for June 2004. The Bonn Agreement stipulated that national elections must take place by June 2004, which the country is now preparing for.

The district representatives elected 344 delegates out of a total of 502 who participated in the CLJ. Sixty-four women delegates were elected through a separate woman election for district representatives. President Karzai also appointed 50 delegates, of which 25 women, bringing the total to 89 women at the CLJ. Forty-four delegates were elected from among refugees, IDPs, Kuchis, and Hindus and Sikhs. Two delegates were elected from persons with disabilities.

On December 15, 502 delegates representing 32 provinces of the country began debating a draft constitution unveiled in November. Ratification of the draft constitution will create the framework for the country's first direct national elections, scheduled for June 2004. The draft constitution, which was elaborated by the commission, was debated by public consultation as well as within the Government. Citizens had the opportunity to question senior leaders during the CLJ. However, some observers criticized the proceedings for alleged vote buying and intimidation. According to HRW, local authorities used fraud and intimidation to get their supporters elected to the CLJ "Grand Assembly." However, some of these reports were later determined to be false or exaggerated. Other delegates, according to HRW, expressed alarm at the intrusive presence of agents from the Government's intelligence service.

A number of 2002 Emergency Loya Jirga delegates reported receiving threats after speaking out against the participation of warlords in the gathering. For example, in Jalalabad, HRW received reports that the eastern region commander, Hazrat Ali, ordered a politically motivated arrest of a suspected opponent.

Citizens had the opportunity to question senior leaders during the 2002 Loya Jirga. Inside and outside the Loya Jirga, political workers handed out posters and literature. Men and women were able to engage in discussions freely. U.N. observers estimated that 1,200 out of the 1,500 elected delegates turned out to witness the proceedings. Unlike in previous years, the Government encouraged the leaders of all ethnic minorities to engage in

meaningful political dialogue with opponents.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some of these were based in neighboring countries, mostly Pakistan, with branches inside the country; others were based in the country. The focus of their activities was primarily humanitarian assistance, rehabilitation, health, education, and agriculture. However, the lack of security and instability in the north and southeast severely reduced NGO activities in these areas. During the year, there were continued attacks on aid groups, including the killing of two international staff workers, the firing on NGO vehicles, kidnapping of international contractors working on the Kabul-to-Kandahar road, and attacks on offices (see Section 1.g.). For example, ICRC and other NGOs were forced to temporarily suspend their programs in the south after the killing of NGO worker Ricardo Munguia (see Section 1.g.).

Several international NGOs, including the International Human Rights Law Group (IHLRG) and HRW, were run by local employees who monitored the situation inside the country. IHLRG ran a series of legal education seminars for local attorneys and judges.

The Afghan Independent Human Rights Commission, a government entity, continued its role in addressing human rights problems within the country. The Commission was composed of 11 appointed members. The Commission generally acted independently of the Government, often voicing strong criticism of government institutions and actions. During the year, the AIHRC established 7 field offices outside Kabul which began accepting and investigating complaints of human rights abuses. During the year, the AIHRC received a total of 2,500 complaints and petitions for assistance on human rights abuses countrywide; In 2002, the Commission collected over 500 complaints.

There was no development in the 2002 investigation of the possible mass gravesites in the northern part of the country (see Section 1.g.).

Security conditions and instability, including factional fighting in the north and Taliban activities in the southeast impeded NGO assistance activities (see Sections 1.g. and 2.d.).

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The 1964 Constitution, in effect under the Bonn Agreement, states that "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations under the law." At year's end, local custom and practices generally prevailed in much of the country. Discrimination against women was widespread. However, its severity varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local attitudes. Historically, the minority Shi'a faced discrimination from the majority Sunni population. As the presence of persons with disabilities became more widespread, there was a greater acceptance of persons with disabilities.

##### Women

Most in the international and domestic community noted improvement in the status of women since the Taliban's fall from power, despite the persistence of certain areas of concern. The central Government named several women to cabinet positions and other areas of responsibility. The Ministers of Health and Women's Affairs, as well as the Chairwoman of the Afghan Independent Human Rights Commission were women. Women in a number of places regained some measure of access to public life, education, health care, and employment; however, the lack of education perpetuated during the Taliban years and limited employment possibilities continued to impede the ability of many women to improve their situation. According to HRW, "Almost every woman and girl interviewed said that her life had improved since the Taliban were forced from power."

During the year, 45 women leaders from across the country devised the Afghan Women's Bill of Rights, a document that demanded equal treatment. The Committee also pushed for a measure that guarantees that each province elect two women representatives to the lower house of Parliament, rather than the one representative initially provided for.

Women actively participated in the Drafting Committee of the Constitutional Commission set up prior to the CLJ

and in the presidential elections. Seven out of the 35 members were women. During the year, Massouda Jalal voiced her intention to challenge President Karzai in the presidential elections scheduled for June 2004. Jalal had challenged and lost to Karzai for President during the ELJ in mid-2002.

Women also actively participated in the December Constitutional Loya Jirga (see Section 3). Women were able to question leaders openly and discussed inter-gender issues during the CLJ. 89 women were elected or appointed as delegates to the CLJ, constituting approximately 20 percent of the 502 delegates. However, some officials attempted to intimidate female participants. For example, during the CLJ, a delegate from Farah Province, Malalai Joya, received death threats for speaking against mujahideen leaders who held positions in the CLJ. After she questioned why some CLJ delegates with jihadi affiliation were selected as committee chairman, dozens of angry delegates rushed the stage and demanded that she be expelled. She participated fully in the remainder of the Loya Jirga, was provided security protection by the CLJ organizers, and female police officers from the Ministry of Interior, and spoke freely with the local and international press after the incident. Further, some women delegates denounced their colleagues in the CLJ for attempting to shut them out of leadership positions. However, one woman served as Deputy Chairwoman of the CLJ and chaired several sessions of the CLJ, and others held positions of responsibility in the working groups.

On July 26, the President established the Interim Election Commission to register voters and implement other preliminary steps in preparation for the June 2004 elections. The Interim Commission has six members, two of whom are women. Special programs have been implemented that target women voters, to further educate them on the importance of voting and political participation.

As lawlessness and sporadic fighting continued in areas outside Kabul, violence against women persisted, including beatings, rapes, forced marriages, and kidnappings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds rape. Information on domestic violence and rape was limited. In a climate of secrecy and impunity, it was likely that domestic violence and rape against women remained a serious problem.

Throughout the country, approximately 100 women were held in detention facilities. Many were imprisoned at the request of a family member. Some of those incarcerated opposed the wishes of the family in the choice of a marriage partner. Others were accused of adultery. Some faced bigamy charges from husbands who granted a divorce only to change their minds when the divorced wife remarried. Other women faced similar charges from husbands who had deserted them and reappeared after the wife had remarried. In 2002, Kabul's Police Chief said that the police would continue to arrest women if their husband or family brought a complaint to the authorities.

The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed.

Women in the north, particularly from Pashtun families, were the targets of sexual violence throughout the year. According to human rights sources, Uzbek, Tajik, and Hazara commanders perpetrated many of the attacks in the north and west. Local commanders, particularly in the north, used rape as a tool of intimidation against the international and local NGO community. There were credible reports of soldiers and commanders loyal to Pashtun warlords raping girls, boys, and women in provinces in the southeastern part of the country.

There also were reports that minority women sometimes were subjected to forced marriage, which sometimes resulted in self-immolations. Although statistics were not available, hospital doctors reported that these self-immolations were increasingly common among young women in the western part of the country. In September, a fatwa was issued which allowed a woman to marry again if her husband was missing more than 4 years. Reports of suicide among women were often related to forced marriages. There were reports of death threats against women activists.

Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; in some areas, women were forbidden to leave the home except in the company of a male relative (see Section 2.d.). In 2002, President Karzai decreed that women have the right to choose whether to wear the burqa. However, credible sources reported that women and older girls could not go out alone and that, when they did go out, they wore a burqa for fear of harassment or violence. Most said this was because armed men were targeting women and girls. In Jalalabad and Laghman Province, government officials also were policing other aspects of women's appearance. Government-owned television banned the appearance of women singers on television or radio (see Section 1.a.). The curbs on women singing on television date to 1992, when a government of mujahideen replaced a communist regime.

A report released by the International Organization for Migration claims that trafficking was an increasing problem. Human rights violations related to trafficking take the form of forced labor, forced prostitution, and sexual exploitation of children (see Section 6.f.).

Government regulations prohibit women who are married from attending high school classes and during the year, the education ministry ordered all regions to enforce this rule. During the year, thousands of young women were expelled from school because they were married. Deputy education minister Sayed Ahmad Sarwari was quoted as estimating more than 2 or 3 thousand married women were expelled during the year. Supporters of the legislation say it protected unmarried girls in school from hearing "tales of marriage" from their wedded classmates.

In areas outside Kabul, local authorities reportedly continued to exert strong pressure on women to conduct and dress themselves in accordance with a conservative interpretation of Islam and local customs.

Healthcare remained a major issue for women who continued to be denied access to adequate medical facilities due to cultural barriers and basic lack of availability of resources. According to Management Sciences for Health, nearly 40 percent of the 756 basic primary-health facilities in 2002 had no female workers, a major deterrent for women because societal barriers discouraged them from seeking care from male health workers. In the same health survey, it was determined that only 10 percent of the country's hospitals had equipment to perform cesarean sections. In most regions, there was less than 1 physician per 10,000 persons. Only 11 of the 32 provinces had obstetric care facilities. Health services reached only 29 percent of the population and only 17 percent of the rural population. The mortality rate was 1,600 per 100,000 live births nationwide.

A Back-to-School campaign launched by the Ministry of Education and coalition supporters led to the enrollment of 4.2 million children in school. A number of incentives were in place to encourage girl's enrollment in education. UNICEF reported there has been an increase of 37 percent in girl's enrollment from 2002 to year's end. Southern provinces also show a net increase of about 30 percent, despite higher levels of insecurity and conflict.

Nevertheless, the lack of teachers, materials, and security concerns remained deterrents to girls' education. In some parts of the country, access to education was further impeded by violent fundamentalism in which schools, teachers, students and others were threatened or physically attacked.

Approximately 85 percent of women were illiterate, and in rural areas, illiteracy rates among women often were nearly 100 percent. The Government, in concert with coalition support, sponsored non-formal education training targeted at 75,000 trainees, reaching more than 38,000 women and adolescent girls participating in skills training, adult literacy and life skills.

#### Children

Local administrative bodies and international assistance organizations took action to ensure children's welfare to the extent possible; however, the situation of children was very poor. Approximately 45 percent of the population was made up of children age 14 or under. One in 10 children suffered from acute malnutrition. The infant mortality rate was 250 out of 1,000 births; the mortality rate for children under the age of 5 was 25 percent. A Management Sciences for Health study also found that only about one-fourth of all health facilities offer basic services for children, including immunization, antenatal care, postpartum care, and treatment of childhood diseases. An UNICEF study also reported that the majority of children were highly traumatized and expected to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, such as the killing of parents or relatives.

While most girls throughout the country were able to attend school, the U.N. reported that, in some areas, a climate of insecurity persisted. From August 2002 to June, there were more than 30 attacks on girls and boys schools in Ghazni, Kabul, Kandahar, Logar, Sar-e-Pul, Wardak, Zabul, Jawzjan, and Laghman causing minor injuries and building damage. On September 28, two girls' schools in Balkh Province were set on fire. The school was badly damaged; however, no one was injured in the attack.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. In previous years, Northern Alliance officials publicly said that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces. In May, President Karzai issued a decree that prohibited the recruitment of children and young persons under the age of 22 to the Afghan National Army (see Section 6.d.).

#### Persons with Disabilities

The Government took no measures to protect the rights of persons with mental and physical disabilities or to mandate accessibility for them. In January, hundreds of persons with disabilities protested against the State, claiming that the State was not doing enough to care for them. In addition, they demanded the resignation of the Minister of the Disabled, Abdullah Wardak, and accused him of not disbursing foreign aid meant for them. President Karzai met with the protesters, and TISA agreed to raise a monthly stipend for persons with disabilities from \$2 to \$5 (208 AFA).

There reportedly has been increased public acceptance of persons with disabilities because of their increasing prevalence due to landmines or other war-related injuries. An estimated 800,000 persons suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need (The CLJ delegate numbers were increased to 502 to allow two delegates with disabilities to join the proceedings).

## Section 6 Worker Rights

### a. The Right of Association

The Bonn Agreement revived the 1964 Constitution's broad provisions for protection of workers and a mixture of labor laws from earlier periods; however, little is known about labor laws, their enforcement, or practices. Labor rights were not defined beyond the Ministry of Labor, and, in the context of the breakdown of governmental authority, there was no effective central authority to enforce them. The only large employers in Kabul were the governmental structure of minimally functioning ministries and local and international NGOs.

### b. The Right to Organize and Bargain Collectively

Current law is not fully in compliance with internationally recognized workers rights to form free trade unions. The country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the Government.

There were no reports of labor rallies or strikes.

There are no export processing zones.

### c. Prohibition of Forced or Bonded Labor

The 1964 Constitution, in effect under the Bonn Agreement, prohibits forced or bonded labor, including by children; however, little information was available regarding forced or compulsory labor.

### d. Status of Child Labor Practices and Minimum Age for Employment

According to labor laws, children under the age of 15 were not allowed to work more than 30 hours per week. However, there was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Children from the age of 6 often worked to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices exposed children to the danger of landmines.

The TISA was not a party to the ILO Convention 182 on Child Labor. However, according to the Ministry of Labor and Social Affairs, the country followed ILO standards regarding child labor.

### e. Acceptable Conditions of Work

According to labor laws, the average workweek for laborers was 40 hours. However, there was no available information regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many workers apparently were allotted time off regularly for prayers and observance of religious holidays. Most persons worked in the informal sector.

### f. Trafficking in Persons

There was no legislation prohibiting trafficking in persons. However, in November, President Karzai approved the establishment of the Commission for the Prevention of Child Trafficking and pledged to establish a National Action Plan to combat trafficking. A 2002 U.N. report on Women and Human Rights reported increasing anecdotal evidence of trafficking in Afghan girls to Pakistan, Iran, and the Gulf States. Some girls reportedly were kept in brothels used by Afghans. The whereabouts of many girls, some as young as 10, reportedly kidnapped and trafficked by the Taliban remained unknown.

The U.N. July report also noted that many poor families were promising young girls in marriage to satisfy family debts.

There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories. UNICEF cited unconfirmed reports of capturing and abduction of women and children in the southern part of the country.

Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking in persons during the year, prosecution of perpetrators continued to be inconsistent. In October, 42 children trafficking victims were rescued and taken to a shelter operated by a local NGO. Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. Trafficking victims, especially those who were exploited sexually, also faced societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked.